IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 5275 of 1995

Between:

Ravikanti Aruna Kumari W/o. Harinath
R/o. Ramakrishnapuram, Adilabad District.

..... PETITIONER

AND

1 Municipal Commissioner, Palwancha Municipality,
Palwancha, Khammam District.
2 Smt. Vallala Rajya Laxmi W/o. Rajaiah
Pedda Bazar, Kothagudem,
Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records in ROC No.D/2365/93 on the file of the 1st Respondent herein and to issue an appropriate writ order or direction to declare the order in ROC No.D/2365/93 dt: 28/1/1995 issued by the Commissioner, Palwanch Municipality, Palwancha is illegal and to direct the Commissioner, Palwanch Municipality, Palwancha, Khammam District to enter the name of ownership of the hose bearing No.22-122/2, situated near Dammapeta Centre on the R&B Road leading from Kothagudem to Bhadrachalam, Palwanch Municipality, Palwancha and to pass such other order or orders that are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.R.KAMESWAR RAO

Counsel for the Respondent No.1: MR.E.SAMBASIVA PRATAP

Counsel for Respondent No.2: Mr.P.Satyaraja Babu

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.5275 OF 1995

ORDER:

The petitioner is questioning the proceedings of the first respondent dated 28.1.1995 passed in R.O.C.No.D/2365/93, with regard to the house property bearing No.22-122/2, situated in Palwancha Municipality of Khammam District, wherein it is stated that the name of the second respondent was entered as owner in the municipal record. When the petitioner claimed ownership pursuant to the agreement of sale and when notice was issued on her behalf through advocate, the impugned proceedings were issued by the first respondent to the effect that for any transaction between the owner and the petitioner, they are not concerned and that the name of the second respondent was entered, basing on the documents produced by her.

It is the case of the petitioner that he purchased the said property by an agreement of sale dated 5.7.1990, and when the vendor of the said agreement has not executed registered sale deed, he filed a suit for specific performance in O.S.No.135 of 1992 on the file of the Senior Civil Judge, Kothagudem, and that the same was decreed on 22.7.1993. It is further stated that in the execution proceedings, possession was also delivered, but there are claims filed by the second respondent in the said execution proceedings and that the same are pending consideration.

So far as the impugned proceedings are concerned, earlier the name of the second respondent was entered in the municipal records, basing on the documents

produced by her. The entry made in the municipal records is, prima facie, proof of title, and it is always subject to final orders that may be passed by the Civil Court.

Though the suit filed by the petitioner was decreed, it is stated that the claim petitions filed by the second respondent are still pending adjudication, in execution proceedings. If the petitioner succeeds in the said proceedings, it is always open to him to seek change of entry in the municipal records. The impugned proceedings are merely a communication of entry made by the first respondent, basing on the documents submitted by the second respondent. Therefore, no further relief can be granted to the petitioner at this stage.

In that view of the matter, the writ petition is disposed of, permitting the petitioner herein to make an application before the Municipal Authorities, for change of his name. If he succeeds in the civil Court, the respondents shall consider his request for change of entries, basing on the final orders of the civil Court. There shall be no order as to costs.

10.12.2004.

mdaa.

Copy to:

1 Municipal Commissioner, Palwancha Municipality,
Palwancha, Khammam District.

2. Two C.D.copies.